

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, January 20, 2022

Hearing Room 1539

10:00 AM

2:00-00000

Chapter

#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at SBluebond@cacb.uscourts.gov of your appearance.** The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>

ZoomGov meeting number: 161 6109 0855

Password: 148508

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

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Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:22-10266 Escada America, LLC

Chapter 11

#1.00 Debtors Emergency Motion For Order Authorizing Debtor To:

(I) Pay Prepetition Priority Wages, Commissions, And Bonuses

(II) Honor Accrued Vacation And Leave Benefit In The Ordinary Course Of Business

Docket 9

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Authorize debtor to pay prepetition wages and honor prepetition benefits up to an aggregate of priority amount per employee, *excluding insiders*. With regard to insiders, order can provide that, if and when and to the extent that insider compensation has been approved, the debtor is authorized to pay prepetition wages to insiders in accordance with any formula approved through the insider compensation process.

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Court does not see in the motion a request to honor outstanding checks for prepetition payroll amounts. As bank accounts must be closed, any outstanding prepetition checks should be replaced with new checks. (This may be inapplicable as debtor uses ADP to pay its employees.)

NOTE: This does not give debtor authority to use cash collateral. That will be addressed in a separate motion.

Party Information

Debtor(s):

Escada America, LLC

Represented By
John-Patrick M Fritz

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2:22-10266 Escada America, LLC

Chapter 11

#2.00 Debtors Emergency Motion For Order Limiting Notice And Related Relief

Docket 13

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Grant in part and deny in part. Grant with the exception of part D of the motion on page 8. Absent a showing that the cost of actually transmitting by a permissible method (mail in the absence of consent to receive via email) service copies of papers on shortened list, court will require that the moving papers themselves, as well as the notice of motion, be served and not merely that a notice be provided telling parties in interest how to obtain an electronic copy. Particularly in our court where there is only 21 days between service and the date of hearing and oppositions are due 14 days before the hearing, actually providing a copy of the moving papers upon interested parties is critical.

Party Information

Debtor(s):

Escada America, LLC

Represented By
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2:22-10266 Escada America, LLC

Chapter 11

**#3.00 Debtors Emergency Motion For Order Authorizing Debtor To Honor Certain
Prepetition Obligations To Customers**

Docket 11

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Grant to the extent that none of the benefits/programs honored will result in distributions of more than the statutory priority amount to any one recipient.

Party Information

Debtor(s):

Escada America, LLC

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John-Patrick M Fritz

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Chapter 11

**#4.00 Debtors Emergency Motion For Order Authorizing Debtor To Pay Certain
Prepetition Taxes And Customs Duties**

Docket 12

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Grant to the extent that taxes in question would, if unpaid, qualify for priority status. If there are additional taxes that the debtor would like to pay that are not priority claims, court will need to evaluate those more closely on a case by case (or state by state) basis to ascertain whether relevant standard has been met.

Party Information

Debtor(s):

Escada America, LLC

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John-Patrick M Fritz

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2:22-10266 Escada America, LLC

Chapter 11

#5.00 Debtors First Omnibus Emergency Motion For Order Authorizing Debtor To:

(I) Reject Certain Unexpired Non-Residential Real Property Leases Pursuant To 11 U.S.C. § 365

(II) Abandon Any Remaining Personal Property Located At The Leased Premises

Docket 14

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Grant, provided, however, that the effective date of the rejection should be the later of the petition date and the date on which the debtor has expressly surrendered possession (and the keys) to the lessor and made clear that the lessor is free to remarket the property.

Party Information

Debtor(s):

Escada America, LLC

Represented By
John-Patrick M Fritz

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Chapter 11

#6.00 Debtors Emergency Motion For Order:

(I) Authorizing Debtor To Provide Adequate Assurance Of Future Payment To
Utility Companies Pursuant To Section 366(C) Of The Bankruptcy Code

(II) Setting A Final Hearing

Docket 10

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Grant in part. Grant to the extent set forth below. Deny request that utilities be ordered to return the deposit within 10 days after service is terminated. It may be that utilities need to retain the deposits to cover unpaid charges. Court cannot determine at this juncture whether it is appropriate to require return of deposits.

Court will set a date for a continued hearing now. Debtor should serve notice of the motion and the continued hearing date on utilities by a date set by the Court. Along with that motion should be a notice setting forth the deposits that the debtor intends to make with regard to each utility. Notice should be accompanied by payment of the

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actual deposits themselves. Utilities that do not object by a date certain will be deemed to have agreed to the adequate assurance that the debtor has proposed. If a utility does object, it should be required to specify in writing what it believes the debtor should be required to do in order to provide it with adequate assurance. If the parties are unable to resolve the issue consensually, the debtor should file the utility's request and its response by a date certain. Utility should have an opportunity to file a brief on this issue and the Court will resolve the question at the continued hearing. Utility will be precluded from terminating service until the resolution of the dispute.

Party Information

Debtor(s):

Escada America, LLC

Represented By
John-Patrick M Fritz

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Chapter 11

#7.00 Debtors Emergency Motion For Order:

(I) Authorizing Interim Use Of Cash Collateral Pursuant To Section 363 Of The Bankruptcy Code

(II) Setting A Final Hearing

Docket 8

Courtroom Deputy:

ZoomGov Appearances by:

1/19/22 - Nahal Zarnighian

1/19/22 - John-Patrick M. Fritz

1/19/22 - Kevin Walsh

1/19/22 - Gregory Jones

1/19/22 - Ivan Gold

1/20/22 - Kristen Elliot

Tentative Ruling:

Will there be a grant of any replacement liens? If so, on what?

Authorize debtor to use cash collateral solely to the extent necessary in accordance with the budget plus a 15% variance between the petition date and the conclusion of the final hearing on the motion. Set deadline for final hearing and dates for service of motion and oppositions and replies.

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Chapter 11

Debtor(s):

Escada America, LLC

Represented By
John-Patrick M Fritz